

Bayer

July 16, 2012

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SUPERFUND DIV.
DIRECTOR'S OFFICE



Ms. Cynthia Brown
Removal Enforcement Coordinator
Superfund Enforcement Assessment Section (6SF-TE) U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Chintan K. Amin
Senior Counsel
Corporate Law

**Re: US Oil Recovery Superfund Site, Pasadena, Harris County, Texas
CERCLA 104(e) Information Request Received on June 1, 2012**

Dear Ms. Brown:

We are writing in response to the referenced CERCLA § 104(e) Information Request (the "**Information Request**"). Our responses to each enumerated questions are attached as Exhibit A.

Bayer CropScience Inc. has conducted a reasonable and thorough review of its corporate records. However, we reserve the right to amend or supplement its responses to the Information Request should additional information come to light.

Bayer Corporation
100 Bayer Road, Building 5,
Ground Floor
Pittsburgh, PA 15205-9741

Phone: 412 777-2715
Fax: 412 777-4740
chintan.amin.b@bayer.com

If you have any questions, please do not hesitate to contact me.

Sincerely,

Chintan K. Amin
Sr. Counsel
Bayer Corporation

cc: Linda Fuess, Esq.
Mr. Robert Lockemer

EXHIBIT A

BAYER CROPSCIENCE INC.'S RESPONSES TO THE MAY 25, 2012 CERCLA § 104(e) INFORMATION REQUEST FOR THE RIVERSIDE AVENUE SITE, NEWARK, ESSEX COUNTY, NEW JERSEY

A. Persons consulted in preparing the responses to the Information Request:

Chintan K. Amin – Sr. Counsel, Bayer Corporation

Dianne McFarland – Sr. Paralegal, Bayer CropScience LP

Robert Lockemer – Director, Remediation and Real Estate, Bayer CropScience LP

- B. For the purposes of the following responses, the term "Site" is limited to the 400 North Richey Street, Pasadena, Harris County, Texas location. We have no records for or knowledge with respect to the 200 North Richey location.
- C. Bayer objects to the extent that EPA requests documents or information protected by the attorney-client privilege, the attorney work product doctrine or other similar protections.
- D. The documents provided may be responsive to more than one question, but are grouped according to question for the Agency's convenience.
- E. Bayer reserves the right to amend or supplement its responses in light of new or previously unknown documentation.

1. Please describe Bayer's relationship, including any mergers, acquisitions, etc., with Chipman Chemical Company, Inc., Rhodia, Inc. and Rhone-Poulenc Inc.

Chipman Chemical Company, Inc. was incorporated as Chipman Chemical Engineering Company, Inc. in New York on January 6, 1917.

In 1932, the name was changed to Chipman Chemical Company (collectively with Chipman Chemical Engineering Company, Inc., "*Chipman*").

By an Agreement dated as of April 14, 1964, Rhodia Inc. ("*Rhodia*") purchased all of the issued and outstanding shares of Chipman Chemical Company.

Rhodia Inc. was incorporated in New York on March 26, 1948.

Upon information and belief, between 1964 and 1967, Chipman operated as a wholly-owned subsidiary of Rhodia.

Chipman and Rhodia were merged on December 31, 1967, with Rhodia being the surviving entity.

Rhodia continued the business of Chipman after the 1967 merger.

Rhodia changed its name to Rhone-Poulenc Inc. on October 20, 1978

Rhone-Poulenc Inc. changed its name to Rhone-Poulenc Ag Company Inc. on July 27, 1998.

Rhone-Poulenc Ag Company Inc. changed its name to Aventis CropScience USA Inc. on January 5, 2000.

Aventis CropScience USA Inc. changed its name to Bayer CropScience Inc. ("**BCS**") on September 20, 2002.

- 2. Please describe the Chipman Chemical Company business operations at 400 North Richey, Pasadena, Harris County, Texas, and include dates of operation at that location, chemicals used, stored, treated and/or disposed of at that location, and any hazardous substances used, stored, treated and/or disposed of at that location.**

Based on available records, we understand that Chipman Chemical Company operated on the Site from 1946 to 1972. During that time, we understand that that the facility manufactured arsenical pesticide products. Operations included the blending and storage of liquid, solid-granular and solid-dust herbicides and pesticides. Documents show that Chipman manufactured or formulated chlorate and borate pesticides and herbicides as well as arsenical pesticides. We further understand that miscellaneous organic pesticides may have also been stored at the facility.

In 1972, Rhodia Inc. sold the Site to a company called North American Hide Exporters, Inc., a Texas Corporation. Upon information and belief, that company used the Site for the storage, handling and processing of cow- and other animal hides.

Further responsive information may be contained in documentation attached hereto.

- 3. Did any of the chemicals used or stored onsite contain any of the following hazardous substances: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, benzene, chloroform, 1,2-dichloroethane, methyl ethyl ketone, tetrachlorethylene, trichloroethylene, acetone or hydrogen sulfide? If so, please identify which hazardous substance(s) was/were used. Also, please provide copies of any documents listing such hazardous substance(s) and how it and/r the chemical(s) were used or stored in the operations of the Site, the purpose for such hazardous substance(s) and/or chemical(s) and how or if such hazardous substance(s) and/or chemical(s) were disposed of.**

Chipman manufactured or formulated pesticides and herbicides at the Site. Arsenic, organic pesticides and metals have been detected in soil or groundwater samples taken at the Site at various times between the early 1970s and the late 1990s. Bayer has attached documentation in its possession disclosing known hazardous substances either used,

processed or stored at the Site or found at the Site during subsequent environmental sampling.

4. **Please describe or provide any documents pertaining to any correspondence, letters, communications, enforcement actions, violations, reports, inspections and/or investigations from the Texas Commission on Environmental Quality, formerly known as the Texas Natural Resources and Conservation Commission and Texas Water Commission relating to operations at 400 North Richey, Pasadena, TX during your involvement with such operations.**

Bayer has attached documentation in its possession relating to enforcement actions taken or other inquiries made by the referenced agencies of the State of Texas in connection with the Site.